

LAW OFFICES  
**LAWRENCE BERNSTEIN**  
SUITE 700  
1818 N STREET, N.W.  
WASHINGTON, D. C. 20036

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FEDERAL COMMUNICATIONS COMMISSION  
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TELEPHONE  
(202) 296-1800  
FACSIMILE  
(202) 331-9306

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OF COUNSEL TO  
CONLON, FRANTZ,  
PHELAN & PIRES

July 8, 1997

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20554

Re: MM Docket Nos. 91-221, 87-8,  
94-150, 92-51 and 87-154  
FCC Public Notice: DA 97-1246

Dear Sir:

Transmitted herewith are an original and four copies of the following response to the referenced Commission Public Notice: "Commission Seeks Further Information Regarding Television LMAs."

**(1) For both the brokering and brokered stations, the name of the licensee, call letters, channel number, and community of license.**

The brokered station is KHMT-TV, Channel 4, Hardin, Montana. Its licensee is Wolf Mountain Broadcasting.

The brokering party is Big Horn Communications, Inc., licensee of KSVI-TV, Channel 6, Billings, Montana.

**(2) The name and rank of the Nielsen Designated Market Area(s) in which the brokering and brokered stations are located.**

KHMT and KSVI are both in the Billings, Montana DMA, ranked No. 167.

(3) Whether the brokering and brokered stations have overlapping signal contours and, if so, specify the degree of city grade, grade A or grade B overlap.

There is almost total overlap (95% or greater) of the stations' signal contours.

(4) The date on which the parties entered into the LMA.

December 14, 1994.

(5) Information regarding the term of the LMA -- specifically, the start and end dates of the initial term of the LMA, whether the LMA includes renewal provisions, and, if so, the specific terms of such renewal provisions, e.g., length, at which party's option the renewal may be exercised, whether renewal is automatic, notice for exercising renewal option, etc.

The initial term is ten years, commencing in August 1995 when KHMT (which had previously been "dark") went back on the air; it expires in August 2005.

The brokering party may renew for one five-year term, upon 180-days' advance written notice of its intention to renew.

(6) The percentage of the brokered station's weekly broadcast hours that is brokered to the brokering station.

Up to five hours per week of broadcast time are reserved to the licensee. The remainder are brokered.

(7) Whether the brokering or brokered stations are owned by or affiliated with the ABC, CBS, Fox, NBC, UPN, or WB broadcast television networks. If so, please specify the identity of the network and whether the relationship between network and station is that of ownership or affiliation.

KHMT, the brokered station, is a Fox affiliate.  
KSVI, the brokering station, is an ABC affiliate.

**(8) The reported Nielsen all-day audience share (measuring 9 a.m. through midnight) for both the brokering and brokered station during the last three most recent rating periods.**

	<u>KSVI</u>	<u>KHMT</u>
Nov-96	11	5
Feb-97	10	4
May-97	10	5

**(9) A brief summary of any other information that parties to an LMA, at their option, may wish to bring to the Commission's attention, such as any efficiencies or public interest benefits they believe have resulted from the LMA, whether the station was off the air prior to the LMA being entered into, whether the station has been or is for sale, or whether the station was constructed while under the LMA.**

In Billings, the Commission's policies on time brokerage have resulted in an increase in both the number of media voices and the diversity of programming available to the viewing community. Prior to these policies, the Billings area never had a fourth local TV signal. Likewise, the time brokerage policies have in this instance resulted in bringing a fourth television network, Fox, into the community for the first time on a fulltime basis. Additionally, and because of this FCC policy, KHMT, which had been "dark" for over two years and would likely have remained that way, was able to re-sign on the air under minority ownership.

Furthmore, the time brokerage policies made it possible for KHMT to be owned and operated by perhaps the only 100% Native American-owned full power TV licensee in the nation. KHMT offers a wide range of programming, including children's educational programs, political commentary, sports (major league football, baseball and hockey), not

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otherwise available to the market via local television.

Significant economies have been realized in this instance through the time brokerage structure. These economies have directly served the public by expanding programming options and making it possible for the first time for a fourth locally-owned television station to operate in one of the country's smallest TV markets. But for time brokerage, this absolutely would not have occurred. That demonstrably serves the public interest.

Should there be additional questions concerning this matter, kindly direct them to the undersigned.

Sincerely,



Lawrence Bernstein

cc: Wayne Coy, Jr., Esq.  
Thomas Hendrickson, Esq.